

REMARKS

1. Present Status of Patent Application

In response to the Office Action dated September 30, 2005, Applicants respectfully request reconsideration based on the following amendments and remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

2. Examiner Interview

Applicants first wish to express their sincere appreciation for the time that Examiner Ramakrishnaiah spent with Applicants' Attorney, Charles Griggers, during a telephone discussion on December 9, 2005 regarding the outstanding Office Action. During that conversation, Applicant presented arguments for distinguishing claimed subject matter (directed to presence information) from the type of presence information described in the *Reding* reference (U.S. Patent Application Publication No. 2004/0213312 A1). The Examiner was not persuaded with these arguments. Therefore, amendments and additional arguments are provided in the present response for the Examiner's consideration.

3. Nonstatutory Double Patenting Rejection

The Office Action rejected claims 1-32 under the judicially created doctrine of obviousness-type double patenting. In response to the double patenting rejection, Applicants submit terminal disclaimers pursuant to 37 C.F.R. §1.321(c). Applicants have submitted the terminal disclaimers solely to advance prosecution, without conceding that the double patenting rejection is properly based. In filing the terminal disclaimers, Applicants rely upon the ruling of the Federal Circuit that the filing of such terminal disclaimers do not act as an admission, acquiescence, or estoppel on the merits of the obviousness issue.

4. Rejection of Claims 1, 3-4, and 6 Under 35 U.S.C. § 102(e)

Claims 1, 3-4, and 6 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Reding* (U.S. Patent Application Publication No. 2004/0213312 A1). For a proper rejection of a claim under 35 U.S.C. § 102, the cited reference must disclose all elements/features/steps of the

claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

a. Claim 1

As provided in independent claim 1, Applicants claim:

An intelligent interactive call handling system, comprising:
a central office operable to trigger a query responsive to receiving a call request for a called party;
call-handling device coupled to the central office, the call-handling device operable to receive the query, and trigger an internet call routing query;
an internet call routing system coupled to the call-handling device, the internet call routing system being operable to receive the internet call routing query, send a notification of the incoming call to the called party at a plurality of registered communication devices detect which one of the plurality of registered communication devices was used to view the notification first, and route the call to the registered communication device that was used to view the notification first.

(Emphasis Added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Reding* does not disclose, teach, or suggest at least "an internet call routing system coupled to the call-handling device, the internet call routing system being operable to receive the internet call routing query, send a notification of the incoming call to the called party at a plurality of registered communication devices detect which one of the plurality of registered communication devices was used to view the notification first, and route the call to the registered communication device that was used to view the notification first," as recited and emphasized above.

For example, *Reding* appears to disclose a system where a service center 106 may "receive a response from the user regarding how to handle the call," para. 0115, or a call may be forward to a designated telephone number, as generally shown in Fig. 6. *Reding* does not teach or suggest, however, that an incoming call may be routed based on which communication device is the first to view a notification for the incoming call. Therefore, *Reding* does not disclose, suggest, or teach "an internet call routing system coupled to the call-handling device, the internet call routing system being operable to receive the internet call routing query, send a notification of

the incoming call to the called party at a plurality of registered communication devices detect which one of the plurality of registered communication devices was used to view the notification first, and route the call to the registered communication device that was used to view the notification first," as claimed.

For at least this reason, the rejection of claim 1 should be withdrawn.

b. Claims 3-4 and 6

Because independent claim 1 is allowable over the cited art of record, dependent claims 3-4 and 6 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims contain all the steps and features of independent claim 1. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). Additionally and notwithstanding the foregoing reasons for allowability of claims 3-4 and 6, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the references of record.

5. Rejection of Claims 2, 5, 7-10, 11-12, 13, 14, 15-16, 17-18, 19-22, 24-25, 26-27, 28, 29-31, and 32 Under 35 U.S.C. § 103(a)

Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Reding* in view of *Cermak* (U.S. Patent No. 6,763,095). Claims 5, 7-10, 14, 15-16, 19-22, 24-25, and 29-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Reding* in view of *Moore* (U.S. Patent Application Publication No. 2003/0039242 A1). Claims 11-12 and 32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Reding* in view of *Moore* in further view of *Cermak*. Claims 13, 17-18, 26-27, and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Reding* in view of *Moore* in further view of *Balasuriya* (U.S. Patent Application Publication No. 2003/0041048). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claims 2 and 5

All of the claimed features of independent claim 1 are not taught and suggested by *Reding*, as previously discussed. Further, the cited art of *Cermak* and *Moore* fails to cure the deficiencies of the *Reding* reference in suggesting or teaching all of the claimed features in claims 2 and 5 (which depend from respective independent claim 1). Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Reding* with the cited art has not been made. Therefore, the rejections of claims 2 and 5 should be withdrawn.

b. Claim 7

As provided in independent claim 7, Applicants claim:

An internet call routing system, comprising:
receive logic operable to receive a call query from a call-handling device
via a gateway;

call notification logic being operable to send a notification to the called party via a plurality of registered communication devices detect which one of the plurality of registered communication devices is the first to be used to view the notification; and

forwarding logic coupled to the call notification logic, the forwarding logic being operable to forward a call associated with the call query to the registered communication device that was the first to be used to view the notification.

(Emphasis Added).

Applicant respectfully submits that independent claim 7 is allowable for at least the reason that *Reding* in view of *Moore* does not disclose, teach, or suggest at least "forwarding logic coupled to the call notification logic, the forwarding logic being operable to forward a call associated with the call query to the registered communication device that was the first to be used to view the notification," as recited and emphasized above.

For example, *Reding* appears to disclose a system where a service center 106 may "receive a response from the user regarding how to handle the call," para. 0115, or a call may be forward to a designated telephone number, as generally shown in Fig. 6. *Reding* does not teach or suggest, however, that an incoming call may be routed based on which communication device is the first to view a notification for the incoming call. Therefore, *Reding* does not disclose, suggest, or teach "forwarding logic coupled to the call notification logic, the forwarding logic

being operable to forward a call associated with the call query to the registered communication device that was the first to be used to view the notification," as claimed.

Further, the cited art of *Moore* fails to cure the deficiencies of the *Reding* reference in suggesting or teaching all of the claimed features in claim 7. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Reding* with *Moore* has not been made. Therefore, the rejections of claim 7 should be withdrawn.

c. Claims 8-14

All of the claimed features of independent claim 7 are not taught and suggested by *Reding* in view of *Moore*, as previously discussed. Further, the cited art of *Cermak* and *Balasuriya* fails to cure the deficiencies of the *Reding* in view of *Moore* combination in suggesting or teaching all of the claimed features in claims 8-14 (which depend from respective independent claim 7). Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made. Therefore, the rejections of claims 8-14 should be withdrawn.

d. Claim 15

As provided in independent claim 15, Applicants claim:

A method of providing intelligent interactive call handling, comprising the steps of:

receiving a call query from a call-handling device via a gateway;
sending a notification to the called party via a plurality of registered communication devices;

detecting which one of the plurality of registered communication devices is the first to be used to view the notification; and

connecting the call to the registered communication device that was the first to be used to view the notification.

(Emphasis Added).

Applicant respectfully submits that independent claim 15 is allowable for at least the reason that *Reding* in view of *Moore* does not disclose, teach, or suggest at least "detecting which one of the plurality of registered communication devices is the first to be used to view the notification; and connecting the call to the registered communication device that was the first to be used to view the notification," as recited and emphasized above.

For example, *Reding* appears to disclose a system where a service center 106 may "receive a response from the user regarding how to handle the call," para. 0115, or a call may be forward to a designated telephone number, as generally shown in Fig. 6. *Reding* does not teach or suggest, however, that an incoming call may be routed based on which communication device is the first to view a notification for the incoming call. Therefore, *Reding* does not disclose, suggest, or teach "detecting which one of the plurality of registered communication devices is the first to be used to view the notification; and connecting the call to the registered communication device that was the first to be used to view the notification," as claimed.

Further, the cited art of *Moore* fails to cure the deficiencies of the *Reding* reference in suggesting or teaching all of the claimed features in claim 15. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Reding* with *Moore* has not been made. Therefore, the rejections of claim 15 should be withdrawn.

e. Claims 16-22

All of the claimed features of independent claim 15 are not taught and suggested by *Reding* in view of *Moore*, as previously discussed. Further, the cited art of *Balasuriya* fails to cure the deficiencies of the *Reding* in view of *Moore* combination in suggesting or teaching all of the claimed features in claims 16-22 (which depend from respective independent claim 15). Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made. Therefore, the rejections of claims 16-22 should be withdrawn.

f. Claim 24

As provided in independent claim 24, Applicants claim:

A computer readable medium having a program for providing intelligent interactive call handling, the program having instructions for performing the steps of:

- receiving a call query from a call-handling device via a gateway;
- sending a notification to the called party via a plurality of registered communication devices;
- detecting which one of the plurality of registered communication devices is the first to be used to view the notification; and*
- connecting the call to the registered communication device that was the first to be used to view the notification.*

(Emphasis Added).

Applicant respectfully submits that independent claim 24 is allowable for at least the reason that *Reding* in view of *Moore* does not disclose, teach, or suggest at least "detecting which one of the plurality of registered communication devices is the first to be used to view the notification; and connecting the call to the registered communication device that was the first to be used to view the notification," as recited and emphasized above.

For example, *Reding* appears to disclose a system where a service center 106 may "receive a response from the user regarding how to handle the call," para. 0115, or a call may be forward to a designated telephone number, as generally shown in Fig. 6. *Reding* does not teach or suggest, however, that an incoming call may be routed based on which communication device is the first to view a notification for the incoming call. Therefore, *Reding* does not disclose, suggest, or teach "detecting which one of the plurality of registered communication devices is the first to be used to view the notification; and connecting the call to the registered communication device that was the first to be used to view the notification," as claimed.

Further, the cited art of *Moore* fails to cure the deficiencies of the *Reding* reference in suggesting or teaching all of the claimed features in claim 24. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Reding* with *Moore* has not been made. Therefore, the rejections of claim 24 should be withdrawn.

g. Claims 25-32

All of the claimed features of independent claim 24 are not taught and suggested by *Reding* in view of *Moore*, as previously discussed. Further, the cited art of *Cermak* and *Balasuriya* fails to cure the deficiencies of the *Reding* in view of *Moore* combination in suggesting or teaching all of the claimed features in claims 25-32 (which depend from respective independent claim 24). Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made. Therefore, the rejections of claims 25-32 should be withdrawn.

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


Charles W. Griggers, Reg. No. 47,283

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500